

**Verizon New England Inc.
D/b/a Verizon Massachusetts**

Commonwealth of Massachusetts

D.T.E. Phase III

Respondent: Paul Richard
Title: Product Manager

REQUEST: Department of Telecommunications and Energy, Set #4

DATED: May 24, 2002

ITEM: DTE-VZ 4-1 Refer to Verizon's Response to Department's Request for Comment (Apr. 9, 2002) ("Verizon's Response"). Verizon refers to its initial deployment as a "PARTS-like offering." Please fully explain how its "PARTS-like" service differs from PARTS as was presented earlier in the proceedings in D.T.E. 98-57 Phase III.

REPLY: The "PARTS-like" service offering is under development. At this time, Verizon expects that the interstate PARTS-like offering will differ from that outlined in the MA DTE Illustrative tariff in two substantive respects. First, the interstate offering will not have an option for a CLEC provided line card. Second, the speed combinations (upstream/downstream) available under the interstate offering initially will be 128kbps/768kbps, 128kbps/1.5mbps, 384kbps/384kbps and 384kbps/1.5mbps.

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ITEM: DTE-VZ 4-2 Please provide all terms and conditions in Verizon's tariff to be filed with the Federal Communications Commission regarding provision of its "PARTS-like" service offering.

REPLY: Verizon has not finalized a federal filing for its PARTS-like service offering. Verizon's PARTS-like service will be filed consistent with applicable rules if a federal tariff filing is required at the time of the service offering.

VZ # 1240

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ITEM: DTE-VZ 4-3 In Verizon's letter to the Department (March 7, 2002) and attached public notice, Verizon presents its first-office application as "a wholesale end-to-end packet service." However, in Verizon's Response, Verizon states that, "the Company does not believe that a state tariff is required to proceed with its first-office application" and that "it is more appropriate to tariff this as a federal filing."

- a. Please fully explain how In the Matter of Implementation of the Local Competition Provisions in the Telecommunication Act of 1996 and Inter-carrier Compensation for ISP-Bound Traffic, CC Docket No. 96-98 & 99-68, FCC 01-131, Order on Remand and Report and Order, ¶¶ 14, 58-59 (rel. Apr. 27, 2001), cited in Verizon's Response at 2, is relevant to Verizon's wholesale service offering, stating all facts upon which Verizon relies to provide its response.
- b. Will the Network Interface Device and the data carriers' Point of Termination, as referenced in the attachment to Verizon's March 7, 2002 letter, be located within Massachusetts? If so, please state all facts upon which Verizon relies to assert that it does not need to file a wholesale tariff with the Department.

REPLY:

- a. Verizon's PARTS-like data transport service will be used to connect end users to the Internet. The FCC has reiterated numerous times, most recently in its reciprocal compensation order, that Internet traffic is jurisdictionally interstate. *In the Matter of Implementation of the Local Competition Provisions in the Telecommunications Act of 1996 and Inter-carrier Compensation for ISP-Bound Traffic*, 16

REPLY: DTE-VZ 4-3
(cont'd)

FCC Rcd 9151 (2001), (reversed on other grounds, *WorldCom v. FCC*, No. 01-1218, slip op. at 4, (D.C. Cir. May 3, 2002) ("end-to-end" analysis is traditionally employed in determining whether a call is jurisdictionally interstate or not). *See*, for example, ¶56. Like Verizon's CO-based ADSL service, called Infospeed, this service will provide connections that allow end-users to connect to the Internet. Notwithstanding the possibility of a competitive carrier being inter-positioned between the end user and an internet service provider, the end to end nature of the traffic is interstate. The FCC has determined that Verizon's Infospeed service is an interstate service and the same logic would hold here: "We, therefore, incorporate the reasoning set forth in the GTE DSL Order and find that the ADSL service offerings at issue here are interstate services, are properly tariffed at the federal level" *In the Matter of Bell Atlantic Telephone Cos., Bell Atlantic Tariff No. 1, Bell Atlantic Transmittal No. 1076; BellSouth Telecommunications, Inc., BellSouth Tariff FCC No. 1, BellSouth Transmittal No. 476; GTE System Telephone Cos., GSTC FCC Tariff No. 1, GSTC Transmittal No. 260; Pacific Bell Telephone Co., Pacific Bell Tariff No. 128, Pacific Bell Transmittal No. 1986*, 13 FCC Rcd 23667, ¶14 (1998). As a result of these FCC decisions Verizon has not filed state tariffs for Infospeed, and for the same reasons will not file state tariffs for its PARTS-like service offering.

- b. The physical location of the NID or other network equipment used for this service is not relevant to the jurisdictional nature of the service. Rather, jurisdiction is determined by the end-to-end nature of the communication provided by the service. As discussed above, in the case of the PARTS-like service offering, that communication is interstate.

VZ # 1241

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D.T.E. Phase III

REQUEST: Department of Telecommunications and Energy, Set #4

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ITEM: DTE-VZ 4-4 Please state all facts upon which Verizon relies to assert that the provisioning of its "PARTS-like" wholesale service is interstate in nature. Does the fact that data LECs can order network elements for the provision of xDSL services under Verizon's intrastate wholesale tariff affect this response?

REPLY: In regard to the facts upon which Verizon relies to assert that the provisioning of its "PARTS-like" wholesale service is interstate in nature, please see Verizon MA's reply to DTE-VZ-4-3.

The fact that data LECs can order network elements for the provision of xDSL services under Verizon's intrastate wholesale tariff does not affect the conclusion that the PARTS-like offering is an interstate service. The jurisdictional analysis discussed in the reply to DTE-VZ 4-3 applies to services, not to network elements.